

REMARKS

This amendment is responsive to the Office Action dated April 1, 2004. Applicant has amended claims 1, 2, 7 and 8, canceled claims 15-20 and 74-79, and added new claims 80-103. Claims 10-14 and 21-73 have been withdrawn. Claims 1-9 and 80-111 are now pending.

Amendments to the Specification

Applicants have amended the specification in order to recite a more complete name for a commercially available external defibrillator previously referred to in the specification as "LP500." No new matter is added by this amendment.

Claim Rejections Under 35 U.S.C. §§ 102 and 103

In the Office Action, the Examiner rejected claims 1-4, 15-18 and 74-79 under 35 U.S.C. 102(a) as being anticipated by Applicants own admission; rejected claims 1-3, 7, 15-17 and 74-79 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,593,426 to Morgan et al. (Morgan); and rejected claims 4, 5, 6, 8, 9 and 18-20 under 35 U.S.C. 103(a) as being unpatentable over Morgan. Applicants cancel claims 15-20 and 74-49 without prejudice, rendering the rejections of these claims moot. Applicants respectfully traverse the rejections of claims 1-9 to the extent such rejections may be considered applicable to the claims as amended.

The applied references fail to disclose or suggest the inventions defined by Applicants' claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention. For example, the applied references fail to disclose or suggest a two-way communication network that includes a point-of-presence on a data network, as required by independent claim 1 as amended. As another example, the applied references fail to disclose or suggest a two-way communication network that is configured to send a communication to a medical device in response to receiving a communication from the remote monitoring service via a point-of-presence on a data network, the communication including an instruction for the medical device to perform a status assessment of at least one medical device parameter when the medical device is not in use, as required by amended claim 1.

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For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicants' claims 1-9 under 35 U.S.C. §§ 102 and 103. Withdrawal of these rejections is requested.

New Claims:

Applicants have added claims 80-111 to the pending application. The applied references fail to disclose or suggest the inventions defined by Applicants' new claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed inventions. For example, the applied references fail to disclose or suggest a two-way communication network that includes a point-of-presence on a data network, as required by new independent claims 85 and 94, or a point-of-presence for a two-way communication network on a data network, as required by new independent claim 104. As other examples, the references fail to disclose or suggest a two-way communication network or point-of-presence that stores a status assessment for retrieval by a remote monitoring service, as required by new claims 83, 92, 100 and 111, or a two-way communication network that emails a status assessment to a remote monitoring service, as required by claims 84, 93 and 101. No new matter has been added by the new claims.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

10/1/04

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